

# The Bandera PROPHEET

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Groundwater district levies \$66k fine for abandoned well, pollution

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Tackling a months-long nuisance complaint that could be deemed an environmental disaster, the Bandera County River Authority and Groundwater District board of directors is fining a Bandera County resident \$66,000.

Though he has been incarcerated for the last two years while he awaits trial for an unrelated charge, Andrew Dougherty is now facing violations from BCRA GD in the amounts of \$44,000 and \$22,000, for an abandoned well and polluting the watercourse, respectively.

“It is with a heavy heart that I motion to take action and levy fines against Andrew Dougherty,” Director Rebeca Gibson said during BCRA GD’s April 13 quarterly meeting.

Dougherty’s attorney, Patrick Hundley, spoke on his client’s behalf. He said Dougherty leased three-quarters of an acre of his property on FM 3240 to a tenant who opened a temporary RV park.

“While Andrew has been in jail, [the tenant] has failed to manage the water or pay rent,” Hundley said. “He has been piling up a lot of garbage and refuse above ground, as well as burying it. He won’t pay rent. He won’t do anything.”

Hundley said he is trying to preserve the 10-acre property for Dougherty, but he needs help. He said if BCRA GD delivers an ultimatum to the tenant, it may give him some teeth to take further action and potentially seek eviction.

BCRA GD General Manager Dave Mauk said at least 20 people live there, and he has witnessed them burying trash.

“Every day when I go home I look at it, and the next morning there’s more,” Mauk said, adding the garbage could be polluting both the Upper and Lower Glen Rose aquifers. “I can’t even begin to say how much it will cost to clean.”

Mauk and Hundley said they have contacted the people living there, the county constable and Sheriff’s Office, but they said thus far no action has been taken by anyone.

“This is a problem. This has to end,” Mauk said. “I’ve never seen anything like it.”

Mauk said the area where the garbage has been buried is in the water course, and flows into the river and lakes. When the well failed, he said the tenant attempted to pull the pump out, but could not get it to move, so he poured oil into the well to loosen the pump.

“The well is probably collapsed and is now polluting the aquifer,” Mauk said. “This will not be a quick process. This is the worst case I’ve ever seen.”

Todd Malecha, who lives on English Hollow Drive adjacent to the property in question, said he contacted the EPA and TCEQ regarding the pollution. He said he has videos of the 20-plus residents burying waste with a skidloader.

“They have ruined my fence line. There’s trash all over the back of the acreage,” Malecha said. “Every time it rains, all the trash goes down into the ravine. I’m pulling out tires and mattresses. You can smell chemicals, too.”

BCRAGD Attorney Richard Mosty said the cleanup is key, and will be expensive. The first step, he said, is to impose the fines and a lien against the property. Mosty said he wanted to visit with Hundley, and consider a solution together. He said the property could be listed for sale with the county for the cost of the fine, but, he said, “I’d be surprised if the property has any value at this point because of the pollution.”

Mauk said the well, drilled in 2008, is a direct conduit into the aquifer. “This is the only avenue the district can take,” Mauk said.